

STATE OF WISCONSIN
BEFORE THE DENTAL EXAMINING BOARD

FILE COPY

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

LEE R. KRAHENBUHL, D.D.S.,
RESPONDENT.

FINAL DECISION AND ORDER

The parties to this action for the purpose of Wis. Stats., sec. 227.53 are:

Lee R. Krahenbuhl, D.D.S.
1720 Congress Avenue
Oshkosh, WI 54901

State of Wisconsin
Dentistry Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter subject to the approval of the Wisconsin Dental Examining Board. The Board has received the Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Lee R. Krahenbuhl, D.D.S., ("Dr. Krahenbuhl") is and was at all times relevant to the events set forth herein a dentist licensed to practice in the State of Wisconsin pursuant to license #2934, granted on June 7, 1982. Respondent's most recent address on file with the Department of Regulation and Licensing is 1720 Congress Avenue, Oshkosh, WI 54901.

2. At all times relevant to the events set forth herein, Krahenbuhl practiced dentistry through a professional corporation known as Lee R. Krahenbuhl, D.D.S., S.C., which maintains offices at 1720 Congress Ave., Oshkosh, WI 54901 and in Redgranite, Wisconsin.

3. On June 5, 1991, Lee Krahenbuhl, D.D.S., was convicted by the Winnebago County Circuit Court, of false representation in violation of sec. 49.49(1)(a)(1), Wis. Stats., a misdemeanor. A copy of the Judgment of Conviction is attached hereto and incorporated herein.

4. On June 5, 1991, Lee Krahenbuhl, D.D.S., S.C., a Wisconsin Service Corporation, was convicted by the Winnebago County Circuit Court, of false representation in violation of sec. 49.49(1)(a)(1), Wis. Stats., a felony. A copy of the Judgment of Conviction is attached hereto and incorporated herein.

5. The crime upon which Dr. Krahenbuhl was convicted and upon which Lee Krahenbuhl, D.D.S., S.C., a professional corporation, was also convicted arose from the provision of dental services to the general public and is substantially related to the practice of dentistry, and demonstrated the failure of Dr. Krahenbuhl to act as a dentist in a manner which safeguards the interest of the public, and is unprofessional conduct in the practice of dentistry in violation of sec. 447.07(3)(a), Stats. and DE 5.02(15), Wis. Admin. Code.

6. None of the conduct for which Dr. Krahenbuhl or Lee Krahenbuhl D.D.S., S.C., was convicted of involved allegations of improper patient care.

7. The conduct for which Dr. Krahenbuhl and Lee Krahenbuhl D.D.S., S.C., were convicted involved billing practices and service authorization procedures.

CONCLUSION OF LAW

1. The Wisconsin Dental Examining Board has jurisdiction in this proceeding pursuant to sec. 447.07, Wis. Stats.

2. The Wisconsin Dental Examining Board has authority to accept the attached Stipulation pursuant to sec. 227.44(5) Wis. Stats., to resolve matters without a hearing and thus has authority pursuant to that section to resolve this matter in that manner.

3. Respondent's acts and omissions as set forth in paragraphs 2 through 4 of the Findings of Fact are practice and conduct which tend to constitute a danger to the health, welfare and safety of patients and the public and constitute unprofessional conduct within the meaning of sec. 447.03(1), Wis. Stats.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Stipulation of the parties attached hereto, is accepted.

FURTHER, IT IS HEREBY ORDERED that Lee R. Krahenbuhl's license to practice dentistry in the State of Wisconsin is hereby suspended for 60 days. The first 30 day suspension period will commence on the 13th day of March, 1993. The second 30 day suspension period is stayed and Lee R. Krahenbuhl is granted a conditional license for three years.

IT IS FURTHER ORDERED that the Respondent shall provide 200 hours of community service by donating his services to a clinic or organization that qualifies as a provider of health care to the poor.

IT IS FURTHER ORDERED, that within one year of this Order, Lee R. Krahenbuhl shall attend and successfully complete fifteen (15) hours of continuing education related to business ethics approved by the Dentistry Examining Board.

IT IS FURTHER ORDERED, that in the event Respondent Lee R. Krahenbuhl fails to comply with the required fifteen (15) hours of business related ethics education as set forth above within one year of the date of this Order or fails to complete the 200 hours of community services within three years, then his license shall be indefinitely suspended until he has complied with the terms of this Order.

IT IS FURTHER ORDERED, that in the event that Respondent completes the 200 hours of community service and the fifteen (15) hours of continuing education, then the Order for an additional 30 day suspension is dismissed.

IT IS FURTHER ORDERED, that the Dentistry Examining Board shall close investigative files 91 DEN 026, 91 DEN 087 and 92 DEN 045.

Dated this 3rd day of March, 1993.

DENTISTRY EXAMINING BOARD

By: Thomas G. Brannett DDS

3-3-93
Date

RRH:daw
ATY-2332

STATE OF WISCONSIN
BEFORE THE DENTAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LEE R. KRAHENBUHL, D.D.S.,
RESPONDENT.

STIPULATION

It is hereby stipulated and agreed by and between Lee R. Krahenbuhl, D.D.S., Respondent; Donald R. Zuidmulder, Attorney for Respondent, and Roger R. Hall, Attorney for Complainant, Wisconsin Department of Regulation and Licensing, Division of Enforcement, as follows:

1. That Lee R. Krahenbuhl, D.D.S., ("Dr. Krahenbuhl") is and was at all times relevant to the events set forth herein a dentist licensed to practice in the State of Wisconsin pursuant to license #2934, granted on June 7, 1982. Respondent's most recent address on file with the Department of Regulation and Licensing is 1720 Congress Avenue, Oshkosh, WI. 54901.

2. That a Complaint consisting of 2 counts was filed against Respondent on October 1, 1992, and was duly served on Respondent.

3. That Respondent has read the Complaint and understands the nature of the allegations against him.

4. That Respondent is aware of and understands each of the Respondent's rights including the right to a hearing on the allegations against him, at which time the state has the burden of proving these allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against him, the right to call witnesses in his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed Decision and to present briefs or oral arguments to the officials who are to render the Final Decision; the right to petition for a rehearing; and all other rights afforded the Respondent under the United States Constitution, the Wisconsin Constitution and the Wisconsin Statutes and Wisconsin Administrative Code.

5. That Respondent freely, voluntarily and knowingly waives each and every one of the rights set forth in paragraph 5 above.

6. That Respondent consents to the entry of the attached Final Decision and Order.

7. That the Department of Regulation and Licensing, Division of Enforcement recommends that the Wisconsin Dental Examining Board accept this Stipulation and issue the

attached Findings of Fact, Conclusions of Law and Order. All parties agree that counsel for the Complainant may appear before the Dental Examining Board to argue on behalf of acceptance of this Stipulation.

8. That the Wisconsin Dental Examining Board has jurisdiction over this matter pursuant to sec. 447.03(1) Wis. Stats., and authority to enter into this Stipulation pursuant to sec. 227.44(5) Wis. Stats.

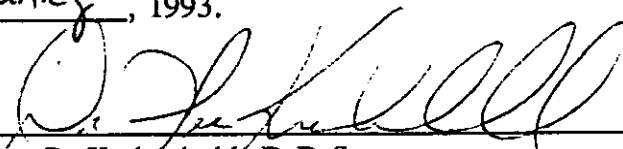
9. That the Findings of Fact, Conclusions of Law and Order attached to this Stipulation may be made and entered by the Wisconsin Dental Examining Board without further notice to any party.

10. That in the event that any portion of this Stipulation or Findings of Fact, Conclusions of Law and Order is not accepted by the Wisconsin Dental Examining Board, the entire Stipulation, Findings of Fact, Conclusions of Law and Order shall be void and have no effect.


11. That this Stipulation may be submitted directly to the Wisconsin Dental Examining Board and need not be submitted to Wayne Austin, the Administrative Law Judge appointed in this matter.

12. That if this Stipulation is adopted by the Wisconsin Dental Examining Board, the attached Order shall become effective immediately upon the issuance of the signed written Order by the Dental Examining Board.

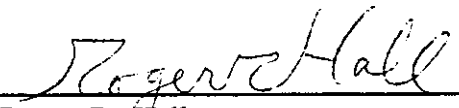
Dated this 9 day of JANUARY, 1993.



Lee R. Krahenbuhl, D.D.S.



Donald R. Zuidmulder
Attorney for Respondent

 1/11/93

Roger R. Hall
Attorney for Complainant

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH II

WINNEBAGO COUNTY

STATE OF WISCONSIN,

Plaintiff,

JUDGMENT OF CONVICTION

vs.

LEE KRAHENBUHL, D.D.S., S.C.,

Defendant.

Case No. 91 CF 152

Upon all the files, records and proceedings, it is adjudged that the defendant has been convicted upon his/her plea of No Contest on the 5th day of June, 1991, of the crime(s) of False Representation in violation of Section 49.49(1)(a)(1), Wis. Stats.

IT IS ADJUDGED that the defendant is guilty as convicted.

IT IS ADJUDGED that the defendant is ordered to pay a fine of \$19,280.00 including costs of this action. Deft. given until 6/14/91 to pay his fine.

IT IS ORDERED that the Sheriff shall forthwith execute this sentence.

Dated: June 6, 1991

BY THE COURT:

Robert A. Haase

Robert A. Haase

Circuit Judge

cc: Attorney Charles Larsen
Attorney Barb Hart

STA WIS. JUDSIN }
COUNTY OF WINNEBAGO }

This document is a full, true and correct
copy of the original on file of record
in my office and has been compared by me.

Attest: *Sept 23* 19 *91*

Sharon Stida Clerk
Deputy Clerk

SEAL

FILED
JUN - 6 1991

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH II

WINNEBAGO COUNTY

STATE OF WISCONSIN,

Plaintiff,

vs.

LEE R. KRAHENBUHL,

Defendant.

DOB 6/11/57

Case No. 90 CF 210

Counts 15, 16, 17

JUDGMENT OF CONVICTION

Upon all the files, records and proceedings, it is adjudged that the defendant has been convicted upon his/her plea of No Contest on the 5th day of June, 1991, of the crime(s) of 3 Counts - Misd. False Representation in violation of Section 49.49(1)(a)(1), Wis. Stats.

IT IS ADJUDGED that the defendant is guilty as convicted.

IT IS ADJUDGED that the defendant is ordered to pay a fine of \$8,000.00 on each count for a total of \$28,980.00 including costs of this action. Deft. given until 6/14/91 to pay his fine.

IT IS ORDERED that the Sheriff shall forthwith execute this sentence.

Dated: June 6, 1991

BY THE COURT:

Robert A. Haase

Robert A. Haase

Circuit Judge

STATE OF WISCONSIN }
COUNTY OF WINNEBAGO }

This document is a full, true and correct copy of the original on file of record in my office and that being compared by me.

Attest: September 20 1991

Julie Pagel Clerk

Sammy Schmidt Deputy Clerk

SEAL

JUN 6 1991